

**BOARD OF SELECTMEN
MEETING MINUTES
6/19/12**

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The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall as scheduled with David Matthews, Steven M. deBettencourt, Paula Bertram, Tom Alonzo, Carl "Ernie" Sund and Town Manager Kerry Speidel present. Regular Meeting opened at 7:00 PM with the Pledge of Allegiance.

PUBLIC COMMENT

Mr. Sund stated that during the past week he had the pleasure of joining the 3rd grade students on a historical tour of Lunenburg. He mentioned that although there were monuments at Veteran's Memorial Park recognizing various wars, he could not show the Revolutionary War hero tablets that hang in Town Hall. He hopes that the students that could not see them that day can see them via this televised BOS meeting.

ANNOUNCEMENTS

APPOINTMENTS

7:00 p.m. Laura Caron Gustus: The Chair began by stating that this is not an employment hearing and that the BOS wanted to give Ms. Gustus an opportunity to speak.

Ms. Gustus distributed copies of a prepared statement to the BOS.

Mr. Matthews then asked Ms. Gustus if she had chosen to be here in a public discussion to which Ms. Gustus responded absolutely.

Mr. Matthews reminded Mr. deBettencourt that he had recused himself from the vote at the last meeting and asked if he had the written opinion from the State Ethics Commission. Mr. deBettencourt responded that he did not get the chance to call them back, he did what the Board asked him to do, and as far as he was concerned that was all he was going to do.

Ms. Gustus thanked the BOS for the opportunity to address them this evening and then read her statement to the BOS, which is attached. Ms. Gustus feels that she was not properly invited to last weeks BOS meeting and was put on paid administrative leave. Upon further communication with the Town Manager she has found that not only has her position as acting Treasurer/Collector had been rescinded but she has also been terminated completely from her employment with the Town of Lunenburg.

She indicated that the issue of her not procuring the insurance bond, which is required by a Treasurer/Collector, was the responsibility of the Town Manager because Ms. Speidel told her that it could wait until she decided to except her permanent position of Treasurer/Collector. Ms. Gustus stated that she correctly completed and returned the bond application on June 1st to the BOS Administrative Assistant, but that it was not processed expeditiously.

Ms. Gustus found it stressful performing multiple jobs which included learning the Treasurer/Collector's job, continuing the duties of Chief Administrative Assistant at the BOS office and being the Benefits Administrator. She considers herself a team player stepping into multiple positions at different times during her 28 year employment including the Treasurer/Collector and Interim CAFO.

According to Ms. Gustus, she does not agree with the BOS interpretation of MGL, Chapter 41, Section 40. She feels that she was not duly appointed temporary Treasurer/Collector and therefore was not required to get the bond. She still remains interested in the position of Treasurer/Collector.

Ms. Gustus spoke and said that she had brought that to the Board's attention a couple of weeks ago and that the Town Manager said specifically that it is the responsibility of the BOS. She also said that for clarification, that's not how she interprets the Charter and her interpretation is that the Town Manager is responsible for making the appointment. Mr. Matthews replied yes, upon the Town Manager's recommendation to which Ms. Gustus said "she did not say that" and that she was just trying to clarify what was said two weeks ago.

Mr. Matthews read the section of the Charter being discussed which states "to recommend to the BOS candidates to be appointed by the BOS to the offices of Town Treasurer and Town Collector" and stated again that the Town Manager needs to recommend any Treasurer/Collector for the BOS to act on it.

After reviewing the section of the Charter which was being discussed, Mr. deBettencourt stated that the last line under section (C) could help and states that "however that the provision of this section shall apply to the appointment of any person under any other title who will perform as a result of re-organization of the administrative structure of the Town substantially similar duties as officers named in this section". Mr. deBettencourt feels that the BOS was re-organizing Ms. Gustus's position.

Mr. Matthews stated that this was not a re-organization but rather a re-assigning.

Ms. Bertram said that the section being talked about is Section 4-2 C and clearly says that one of the powers and duties of the Town Manager is to recommend to the BOS candidates to be appointed by the BOS to the offices of Treasurer/Collector. She said that given that is the section which is being discussed she would like to have a recommendation from the Town Manager.

Ms. Speidel stated that her recommendation would be to continue the appointment of Myleen Mallari, who you appointed last week as acting Treasurer/Collector, to continue this appointment from this evening until August 21st. During the term of this appointment she proposes to advertise for this position of Treasurer/Collector, interview candidates, and make a recommendation to the BOS for appointment on or before August 7, 2012.

Mr. Alonzo moved to appoint Myleen Mallari acting Treasurer/Collector and Assistant Treasurer during the term as noted by the Town Manager from June 19, 2012 to August 21, 2012.

Mr. deBettencourt spoke in saying point of order, there has been a motion made and seconded.
Mr. Matthews said that it was an invalid motion.

Mr. deBettencourt spoke passionately in opposition to the decision to rescind Ms. Gustus's position as Treasurer/Collector.

Mr. Matthews defended the decision and then stated that there is a motion on the floor and asked for a second. Ms. Bertram seconded. On vote, motion carried, 3 in favor, 2 opposed (deBettencourt & Sund).

Mr. Matthews said that the last thing that this Town needs is to politicize every job in town and he believes that politics get in the way of good government which he doesn't think they need here.

Chris Comeau, 819 West Street, said that he was thoroughly disgusted with three of the Selectmen. He said that he feels it is the Town Manager's job is to oversee the function and operation of this town. He feels that the bond not getting procured and the appointment not being confirmed falls on the Town Manager's shoulders. He said that the divisions are clear and if you want to talk about good government this is not good government and he calls on all the tax payers that when its election time to let it be known.

Jackie Ramondelli, Reservoir Road, said that she thought this was a lot of small town politics and said that she was ashamed of all of them. She felt it was not fair and that they should all be ashamed of themselves, especially the Town Manager.

Bill Gustus, 19 Burke Street, said that with respect to Laura's position as Chief Administrative Assistant he wanted to point out based upon what Laura has told him is that she was never terminated from that position and that she continued to be paid out of that Line Item up until Wednesday of last week when she was told that she did not hold a position with the

Town of Lunenburg. He said that she was not moved into the Treasurer's office as payrolled and he was told that a raise was granted to her in the position of CAA two months after she was appointed acting Treasurer/Collector. Mr. Gustus would like to know how she lost her permanent position as CAA without a hearing or any charges of wrong doing. He stated that the BOS says the contract is void but he was told that it has been approved by at least two prior Town Counsel as being a legitimate contract. He said that there are provisions in the Salary Admin. Plan and the Charter that deal with terminations, hearings and opportunity to be heard, to which she has been afforded none of those rights.

8:00 p.m. Fitchburg Redevelopment Authority, Dan Curley, Executive Director & Tom Szocik, Facilities Manager: Mr. Curley, Executive Director, & Mr. Szocik, Facilities Manager, from the Fitchburg Redevelopment Authority introduced themselves to the BOS and distributed information packets to the Board. Mr. Curley spoke and gave a brief history of the land in question, which lies in both Fitchburg and Lunenburg. The Fitchburg Redevelopment Authority would like to develop an industrial park in that area but in order to do so, MGL C 40 Section 15 states that they need the representatives from the Town of Lunenburg to waive their rights of ownership.

Mr. Szocik said that there is a large manufacturer who wants to buy this land and due to the fact that the manufacturer has contracts in hand, time is of the essence for this purchase. Mr. Szocik thinks this is a "win-win" situation because Lunenburg will be able to collect tax revenue for this project, and Fitchburg will be responsible for services such as Police & Fire.

Ms. Bertram requested clarification that the property is not being leased, but is being sold, therefore makes it eligible for tax revenue. Mr. Szocik confirmed that for her.

Mr. Sund questioned where the buildings will be located. Mr. Szocik said that the about five of the buildings will be on a cul de sac in Lunenburg. Mr. Curley stated that he will propose that all of the buildings on the Lunenburg side will receive in city utility rates also.

Toby Bakaysa from the Lunenburg Planning Board spoke and said that he could not speak for his board but he feels that the Planning Board would support this project.

Ms. Speidel said that the official requirement for this action is for the Board to waive its first right of refusal on behalf of the Town. This matter is not noticed this evening as a first right refusal and the BOS will properly notice this action at the July 10, 2012 BOS meeting.

The BOS thanked Mr. Curley and Mr. Szocik for coming forward this evening.

CURRENT BUSINESS

- 1. Execute Easement, Jones House** – Ms. Speidel informed the BOS that the buyer has supplied the proof of the required insurance on the date of the close which is scheduled for this Friday. She said that the buyer is requesting permission to re-grade the driveway and would like to address this with the BOS because it is not specifically identified in the easement.

Larry Marshall, 984 Mass Avenue, explained the reasoning for the re-grading was because the existing driveway is sunken down and collects water. He asked the BOS that in addition to the driveway easement approval he be given permission to re-grade in order to bring the level of that portion up to the existing driveway.

Mr. Alonzo requested that Mr. Marshall work with the DPW Director with the re-grading so as not interfere with the Teen Center building which has had problems with basement flooding. Mr. Marshall agreed to this request.

Mr. Sund asked if Mr. Marshall had any plans to remove any trees in the driveway section. Mr. Marshall replied not in the driveway but some of the trees on the other side of the house will be removed. Mr. Marshall also stated that there is one tree in the driveway that is dying and if he cannot bring it back, it will be removed. He also made mention of an old well in the driveway which has been capped off and that is the reason why the driveway circles around up in that area.

Mr. Alonzo move to approve the easement agreement and allow for the re-grading of the driveway area within the easement contingent upon the DPW's approval. Ms. Betram seconded. On vote, motion carried, 5 in favor, 0 opposed.

2. Review proposed Electrical permit Fee for Solar Arrays – Not discussed.

- 3. Presentation of Town Manager's Annual Review –** Mr. Matthews explained to the public the process of how the BOS makes their Annual Town Manager's Review. He stated that all board members have completed the format and have met with the Town Manager to review the results. Mr. Matthews reviewed the Town Manager's Evaluation Board Composite and explained the composite score for the years work done by the Town Manager which was 160 points, which is considered commendable. (See attached)
Mr. Matthews summarized in saying that the Town Manager continues to do a commendable, productive and efficient well done job for the Town and we are lucky to have her on the payroll. There are some areas for improvement and we need to work with the Town Manager to achieve those.

Ms. Speidel spoke and said that she appreciates the board's attention to conducting a regular evaluation and that it was particularly helpful this year because she had lengthy conversations with each board member and became aware of some issues that she did not know existed or were as bothersome as was communicated to her, specifically the budget working group and how it works. She would like to discuss the budget working group further with the board when they discuss the goals.

Ms. Speidel will finish the self-evaluation this week and distribute it to the board. She will also make the individual evaluations available to the board if they wish, but they are not available to the public.

Ms. Bertram suggested removing the individual scoring of members from the composite because she believes that is not public.

The review and setting of BOS goals will be discussed at a future meeting.

- 4. BOS Policies & Procedures –** The board received copies of the revised BOS Policies & Procedures and Ms. Bertram gave a brief explanation of how she had done the revisions. (See attached)

A BOS workshop was scheduled for July 17th at 6 p.m. to review the proposed changes. The BOS thanked Ms. Bertram for the work she did on the policies & procedures.

5. Minutes/Warrants/Action File Issues

Minutes: None

Warrants – 6/19/12 W73-12, \$2,297,329.36
 6/20/12 W73-12, \$149,809.61
 6/21/12 W26P-12, \$716,960.70

Action File Issues – None

- 6. Committee Reports –** Mr. Matthews reported that the School Committee met last Thursday evening to finish discussion on consolidating four school buildings down to three. They also voted to eliminate the use of T.C. Passios as a school building.

Mr. deBettencourt reported that the Sewer Commission submitted their final draft to Fitchburg for their consideration and it is moving along.

Ms. Bertram reported that she had attended the last MPO meeting where the TIP was voted on. Also discussed at that meeting was a program that funds a multitude of activities and she will send out a link to the draft of a document that is available to the board. MPO will be looking for public comment on that document. Included in

that program is a Pavement Outreach Program, Trails Development Program and a push to increase crash data in all of the MRPC communities.

7. Department Reports – None

- 8. Town Manager Reports** – Ms. Speidel said that she had an additional appointment that she would like the BOS to consider this evening. She said that the Police Chief is actually leaving on July 3rd and that the timetable for selecting the new Chief is scheduled to come up at the July 10th BOS meeting which will leave a period of July 4th to July 10th without a Chief.

Ms. Speidel put before the board a notice of appointment of Lt. James Marino to serve as the acting Police Chief for the term of July 4, 2012 through July 10, 2012. It is Ms. Speidel's expectation that she will be bringing forth a candidate to fill the position of Police Chief at the July 10, 2012 BOS meeting.

She asked the board to ratify this appointment this evening in accordance with Section 4-2C of the Town Charter so that the appointment will stand with July 4th.

Mr. Alonzo reminded the board that this is not on the agenda and does not require ratification. Although he is for this appointment he does not think it can be done this evening.

Ms. Speidel stated that through conversations with Town Counsel she assumes that if there is a standing list of Appointments/Re-Appointments or Executive Session on the agenda that there would be no problem of making appointments.

Ms. Bertram supports this appointment but believes that due to the communication from Town Counsel regarding the Open Meeting Law, she does not believe the BOS can take action on this appointment this evening. Ms. Bertram would like Town Counsel to participate in a workshop with the BOS concerning the changes in the Open Meeting Law.

OLD BUSINESS - None

APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS –

- 1. Appointment of Acting Treasurer/Collector-** addressed in a previous agenda item.
- 2. FY2013 Annual Appointments** – Ms. Speidel read into record the appointments that need to be ratified by the BOS at this meeting as follows:

Position of Licensing Authority Agents for FY2013:

Police Chief Daniel F. Bourgeois	Lt. James P. Marino	Sgt. Stanley W. Barney
Sgt. Thomas L. Gammel	Sgt. Michael F. Luth	Officer Patrick M. Barney
Officer Sean J. Connery	Det./Ptl. Charles P Deming	Officer Robert D. DiConza
Officer Jack A. Hebert	Officer Jason P. Poitras	Officer Jeffrey M. Thiodeau
Officer Joshua B. Tocci	Officer Sean Zrate	

Mr. Alonzo moved to ratify the appointments as just read of the Licensing Authority Agents for FY2013. Mr. Sund seconded. On vote, motion carried, 5 in favor, 0 opposed.

Position of Reserve Officer for FY2013:

Officer Robert J. Ayles	Officer Alphonse J. Baron	Officer Jonathan J. Broc
Officer Linda Carrier	Officer Michael Connors	Officer Robert R. DaCosta
Officer Walter C. Godfrey	Officer Daniel Gould	Officer Paul G. Grunditz
Officer Lisa M. Larkin	Officer Donald A. LeTarte	Officer Joshua M. Mathieu

Mr. Alonzo moved to ratify the appointments of the Town Manager for the position of Reserve Officer for FY2013 as just read. Mr. Sund seconded. On vote, motion carried, 5 in favor 0 opposed.

Position of Special Police Officer for FY2013:

Shirley Police Dept.

Chief J. Gregory Massack
Sgt. Samuel Santiago
Officer Gregory Gushlaw
Reserve Officer Edward Walkonen
Reserve Officer Steven Plante
Reserve Officer Lesley Hampson

Sgt. Peter Violette
Officer Craig K. LaPrade
Officer Brandon Bruin
Reserve Officer Robert Pacetti
Reserve Officer Merkendrick Jackson

Sgt. Alfreda Cromwell
Officer Everett W. Moody Jr.
Officer Jason Strniste

Townsend Police Dept.

Chief Erving M. Marshall Jr.
Sgt. Mark Giancotti
Officer Thaddeus G. Rochette
Officer George Reidy
Officer Cassandra Ella
Reserve Officer Christopher VanVoorhis
Reserve Officer Joseph Quinn

Lt. David A. Profit
Sgt. John W. Johnson
Officer Randy S. Girard
Officer Mark Francis
Officer James Landi
Reserve Officer Michael Marchand

Sgt. Cheryl M. Mattson
Officer James P. Marchand
Officer Kimberly J. Mattson
Officer David Phillips
Reserve Officer Tony Brennan
Reserve Officer Austin Cote

Mr. Alonzo moved to ratify the appointments to position of Special Police Officer for FY2013 as read by the Town Manager. Mr. Sund seconded. On vote, motion carried, 5 in favor, 0 opposed.

EXECUTIVE SESSION - None

Being no further business, Mr. deBettencourt motioned to adjourn the meeting. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

Meeting ended at 8:47 p.m.

UPCOMING MEETING SCHEDULE

July 3, 2012 – No Meeting
July 10, 2012
July 17, 2012
July 24, 2012

*Respectfully submitted,
Susan Doherty, Recording Secretary
Board of Selectmen*

Written Statement of Laura Carron - Gushes 06/19/12

Thank you for providing me the opportunity to address you this evening. I am very anxious to put this whole matter to rest and I have come this evening to provide you with information that may aid you as you try to decide how to resolve my fate.

First of all, I'd like to address the question of why I didn't attend last week's meeting. At last week's meeting at least one Selectmen asked if I had been invited to attend the meeting. The Town Manager responded by stating that I had been informed of the discussion. Her response was true as far as it went but did not answer the question as to whether I was invited. The fact of the matter is this, on Monday morning of last week; I was told that I was being placed on Paid Administrative Leave due to the uncertainty of my continued employment with the town and I was asked to leave the building. I was given a letter, which stated that I was to remain available to answer any questions that may arise and that I would be contacted "sometime" after the meeting to "provide further direction". I have provided you with a copy of this letter for your review. Does this sound like an invitation to attend to you? I was told to leave, I was told to remain available to answer questions and I was told that I would be contacted following the board's discussion on the matter. The clear implication of the letter was that I should go home and wait until I was to hear from the Town Manager. In short, I did as I was told and that did not include attending your meeting last week. When you are placed on administrative leave, you do as you are told.

On Wednesday I emailed the Town Manager questioning my employment status and sought clarification. I said that "I was aware that I have been placed on administrative leave and your recent correspondence does not address my current status. Am I still an employee of the Town of Lunenburg or not? You have not indicated that I have been taken off of Administrative Leave status so I am assuming that I will continue to receive my regular salary. If this is not the case, please let me know at your earliest opportunity." The response received was, *"at this point, you do not presently hold an appointment with the Town. Given the circumstances, however, I will place you on paid vacation leave to preserve your pay and benefit status until next week's Board meeting. If you would prefer to move to unpaid status, please let me know."*

I sent no response, as it seems that not only has the appointment as Acting Treasurer/Tax Collector been rescinded but, for some reason unbeknownst to me, I have been terminated completely from my employment with the Town of Lunenburg. What happened to my position as Chief Administrative Assistant that I held prior to the "Temporary/Acting Treasurer/Tax Collector" appointment, which I've held, and in the absence of any notice that I have been removed from that position, continue to hold, since the inception of the Town Charter and the first CAFO Appointment over 12 years ago?

I would like to start by addressing the issue of why I did not have a bond. I have worked for the Town of Lunenburg for almost 28 years and during that time, I have held many administrative and executive positions for the town. I was, in fact, aware that the Treasurer needed to be bonded. I specifically recall asking the Manager about this after the Board had appointed me as Temporary or Acting Treasurer/Collector at its meeting on December 20, 2011. In a conversation with the Manager on this point, she told me she does not remember this conversation. I do remember it. I honestly didn't give the issue of a bond a second thought as I was confident that the Town Manager who has noted on many occasions that she is a prior Treasurer; knew the requirements of the law with regards to an insurance bond. This did not become an issue until the bond refinancing, when I was asked by bond counsel to produce a copy of my insurance bond as Acting Treasurer.

I continued to work in the Selectmen's office until January 4th when I received a memo via email from the Town Manager, which stated, *"As you know, on December 20, 2011 you were appointed by the BOS to serve as the Temporary Treasurer-Collector. This appointment was made effective until another appointment is made. I was reminded yesterday that Elaine will be on vacation for a two-week period beginning on Saturday, January 7, 2012. As such, it makes most sense to have you work out of the Treasurer-Collector's office full-time in order to make sure that office continues to function while Elaine is out. Therefore, effective Monday, January 9, 2012, I would like you to work out of that office full-time, at least until Elaine returns on Monday, January 23,*

2012. During this time, you will be relieved of all of your duties in the BOS office, except for Benefits Administration, so that you can focus on the operations of the Treasurer-Collector's Office without a number of other distractions." These duties of the Chief Administrative Assistant were to be done in addition to all of the duties of the Treasurer/Collector. I was put in an impossible position by the Manager. I was asked to do a job that an experienced Treasurer had left, without any experience. I was also told that in addition to doing that job, I had to continue to do benefits administration in the Selectmen's office for a fixed period of time which, as stated in the Manager's communication to me on this point, extended at least until Elaine returned from vacation. It is apparent from the context of this correspondence that this was truly a temporary appointment, that I would have to continue with at least some of my duties as Chief Administrative Assistant and that I still held my full time permanent position.

I would like to note that the statutory mandate requiring the bond within 10 days of appointment expired the day after I was directed to move to the Treasurer/Collectors office. While I was certainly aware that Treasurers needed to be bonded, I did not even think that it had to occur within 10 days of appointment and I thought, maybe incorrectly, that I would need to be actually working as the Treasurer/Collector in a permanent capacity and not just under an "acting or temporary" capacity before a bond would be needed. In addition, when I was first appointed, I had reservations about taking the position at all. I had limited experience with the Treasurer's office and was unfamiliar with many of the day-to-day operations of that office. I expressed my concerns to the Manager and she told me that she had years of experience as a Treasurer and that she would assist me. In response to my question regarding whether I needed a bond, she responded that it could wait until I decided whether I would accept a permanent appointment to the position. I told the Manager sometime thereafter that I would accept the full time position. I never brought the bond up again because it was unclear to me if I would be appointed as permanent Treasurer/Collector. I was still operating under the assumption that the Manager needed to make the next step. I also bring to the attention of the board, that I don't believe a bond was ever secured when I was appointed as the "acting Treasurer/Tax Collector" on June 23, 2009; as I don't recall any conversations relative to the need of procuring an insurance bond for the interim period until a permanent Treasurer/Collector was hired back then. The Manager has stated that the appointment of Treasurer/Tax Collector is the responsibility of the Board of Selectmen and must start with the Board of Selectmen but that was not my understanding of the process and is still not my understanding of the process. However, I was just waiting for someone to tell me something about my status, the benefits that would be due me under my employment contract with the Town if I were to leave my permanent position and accept the permanent Treasurer/Collector position, and all I got was radio silence. I was still operating on the assumption that a bond should wait until my permanent appointment.

The first few weeks in the Treasurers Office were extremely stressful as I tried to familiarize myself with how the department operated and actually assist the two employees in the office process payments and all of the other daily work that must be done in that office as well as all of the administration of benefits attributable to my permanent position of Chief Administrative Assistant. To be honest, at that time, a bond was the furthest thing from my mind. I was just trying to juggle the two jobs and the learning curve in the Treasurer's office. Also, knowing and adding to the stress was that the Assistant Tax Collector intended to retire at the end of May and the hiring process for her replacement was delayed for months, and to my knowledge, the position is still vacant.

It was stated at last week's meeting that I was responsible for the bonding of town officials as part of my duties in the Selectmen's office. While I am familiar with these procedures, those functions were always and still are handled by the Administrative Assistant. As I have previously informed the board, department heads have never been responsible for the securing of general insurance or bonds required by their departments. Providing the individuals with the applications for bonds has always been the responsibility of the Selectmen's office. The cost of bonds required by various town officials is paid out of the towns' general liability insurance appropriation, which is controlled by the Selectmen's office. The fact of the matter is, no department has the independent authority to acquire this kind of insurance. If this were simply a matter of a misunderstanding over who should have placed the bond, I would let this go, but I cannot characterize it as such.

The responsibility of processing bond applications for permanent appointees was not previously my responsibility and was not mine at the time of my appointment as a Temporary Treasurer. I can tell you I asked the Manager about this and she told me it could wait. She may not remember this, but I do. I can tell you that I had no knowledge about the bonding requirements for Temporary Treasurers, and the Manager, with many years of service as a Treasurer was in a far better position to advise me on this and it was not raised with me until the recent bond issue. At this point, it was all laid on me and I was placed on administrative leave.

When I learned of the bonding requirement in connection with the recent bond issue, which was noted in an email that I received from the Town Manager on May 30th that *"it shouldn't be difficult getting the bond, it should be as simple as filling out the application, which needs to be done today"*. I requested an application for a bond from the Administrative Assistant who has processed these for years. She gave me the application, I filled it out, and returned it to her on June 1. If it had been processed expeditiously, the insurance bond would have been in place before the bond refinancing issue took place.... To date, almost three weeks later, I do not have a bond and my appointment has been rescinded. I would note that the Manager also stated last week that the application was filled out in error, a statement that I don't understand as I located the application submitted by the former Treasurer and copied it nearly verbatim and to my knowledge he was bonded based upon this application. If there was a problem with the application, I would think she would have brought it to my attention long before I heard this as part of your discussion last week.

In listening to Labor Counsel last week, it was represented that the Board was mandated by law to rescind my appointment for failure to procure my bond within 10 days of my appointment on December 20, 2011. As I have stated earlier, I was still trying to finish many open projects in the Selectmen's office and was not relieved of those duties and told to go to the Treasurer's Office until January 9, 2012. As I stated before, I had the conversation with the Manager about the bond and she told me it could wait. She has told you she does not remember this conversation. I do remember it, as do a number of employees that could verify my concern following that conversation with the Town Manager and who may do so if you were to take the time to ask them. If these facts and circumstances constitute misfeasance on my part, then shoot me now. The only evidence that you have on this subject is that I was told to hold off on the bond. The failure of the Manager's memory on this point is hardly evidence that the conversation didn't take place.

I do not accept the opinion of Labor Counsel that my appointment had to be rescinded by law, since I did not fail to produce the bond, I was told to hold off from doing so. I do not accept responsibility for this oversight and I don't believe that I deserve to lose my employment over this. While the statute, which I have since reviewed, may, or may not, have mandated your action last week, I can find no reason why I may not be appointed permanent Treasurer/Collector if you so choose to do so. I can assure you, I will procure the necessary bond, at my personal expense, if necessary, within the required time frame.

If the Board is unwilling to appoint me, I will have to assume it is for some reason other than failing to procure the bond. It would seem to me that a 28 year employee, with a spotless personnel record and absolutely no negative feedback from this Manager or the three prior CAFO's on the performance of her duties as Chief Administrative Assistant or as the Acting Treasurer/Tax Collector, would be given the benefit of the doubt and, that the lack of this bond should be chalked up to an "administrative oversight" in the same manner as other things that I have heard over the past few weeks.

The fact of the matter is, I have struggled to juggle two jobs, one of which I was unfamiliar with when I started. The issue of a bond seems to have gone under the radar screen within the Selectmen's office as well. I would hope the Board would take that into consideration as it decides what to do about this.

I have worked for the Town for nearly 28 years. I have worked in administrative positions for my whole career. I believe I have been a team player. I was Executive Secretary to the Board of Selectmen for many years, which gave me day-to-day responsibility for carrying out the directives of the Board of Selectmen. With the passage of

the Charter, I took a reduced, complementary role and assisted the various CAFOs in the performance of their duties over the years. I stepped up and served as Acting CAFO on several occasions without any complaint or commensurate compensation, albeit I was given a "shared stipend with the Town Accountant" on a couple of those occasions, and assisted four CAFOs during their transitions into their positions. Most recently, I agreed to accept a position that was outside of my comfort zone, the position of Treasurer/Collector but no appointment was ever made. It is a complicated financial position with a steep learning curve and a lot of software training. It has been a difficult transition for me but I did it for the good of the Town and because I am a team player.

I am very concerned at this point because, after my appointment as Acting Treasurer, with the specific promise from the Manager that I would either be appointed to the permanent position or faced with the possibility of layoff, it seems to me that I will soon be out of a job. As part of the budget process this year, my permanent position in the Selectmen's office is scheduled to be eliminated effective June 30. I have had lengthy discussions with the Manager about the loss of benefits under my existing employment contract with the Town to no avail. So, in taking one for the team, and agreeing to move to the Treasurers Office on a temporary or acting basis, and having no idea that the Board would be obligated by law to rescind my appointment before I actually moved over to the Treasurers office, I am now placed in a position where I have been told that I am effectively out of a job without any resolution of the issues related to my employment contract with the town. This is one hell of a way to treat a very loyal employee of the town.

I have one final point to make in connection with my appointment as Temporary Treasurer/Collector. It seems that you have taken a very literal interpretation of the statute regarding the appointment of a Temporary Treasurer/Collector. You have stated that my failure to produce a bond required that the Board rescind my appointment. While I do not necessarily agree with this interpretation, lets, for the sake of argument, say that a literal interpretation of this statute is required. If that is the case, then I would say that my 10 day time period to obtain the bond, commences upon my valid appointment to such position as Temporary Treasurer. This same statute states that "the Selectmen may, in writing signed by them or by a majority of them, which shall be filed in the office of the Town Clerk, appoint a temporary officer to hold such office and exercise the powers and perform the duties thereof...". To my knowledge, this was never done and thus, a literal interpretation would seem to require one to reach the conclusion that I have never been duly appointed Temporary Treasurer/Collector and therefore I could not have been legally required to procure a bond until this appointment had been made in accordance with the statute. This point is supported by an opinion of the Supreme Judicial Court by none other than the celebrated Justice Oliver Wendell Holmes, Jr. which held that this writing signed in accordance with the provisions of a statute is mandatory and that a vote of the Board communicated to the clerk in writing signed by one its members is not sufficient to constitute a valid appointment.

All of this being said, I remain interested in the Treasurer/Collector position. I have worked very hard over the last six months to get up to speed with my responsibilities. There is a way to straighten this out if you are so inclined, and I respectfully request your support in doing so.

I would appreciate having a decision made on this tonight as I am leaving for vacation and need to know my employment status prior to my departure, as I will not be returning until after the start of the fiscal year.

Thank you.

2012

TOWN MANAGER

EVALUATION

Board Composite

SUMMARY COMPOSITE

			Total
A.	Relationships with the Board 37 out of a possible 50.		185
	40 –		
50 – Outstanding	Commendable	30 – Satisfactory	
20 – Needs Improvement		10 – Unacceptable	
B.	Fiscal Management 33 out of a possible 40.		163
	32 –		
40 – Outstanding	Commendable	24 – Satisfactory	
16 – Needs Improvement		8 – Unacceptable	
C.	Community and Public Relations 29 out of a possible 40.		147
	32 –		
40 – Outstanding	Commendable	24 – Satisfactory	
16 – Needs Improvement		8 – Unacceptable	
D.	Personnel Administration 25 out of a possible 45.		124
	36 –		
45 – Outstanding	Commendable	27 – Satisfactory	
18 – Needs Improvement		9 – Unacceptable	
E.	Professional Skill and Abilities 36 out of a possible 50.		179
	40 –		
50 – Outstanding	Commendable	30 – Satisfactory	
20 – Needs Improvement		10 – Unacceptable	
			798
		Average	160
225-181	Outstanding		
180-136	Commendable	160 Board Composite	
135 - 91	Satisfactory		
90 - 46	Needs improvement		
45 - 0	Unacceptable		

Board of Selectmen Narration Sheet

1. What has the Town Manager done well?

While putting together one budget is a large task, preparing and presenting two is monumental. Yet both were done with the skill and clarity that we have come to expect from the Town Manager whose greatest strength remains her financial capabilities. Ms. Speidel is extremely knowledgeable of the issues to be discussed at Town Meeting and provides a clear, concise overview of the articles being addressed so that voters are able to make informed decisions.

The completion of the DPW building and renovation project was brought in under budget in large part due to her involvement and oversight (along with the DPW Building Committee). The Town Manager has leveraged insurance credits to obtain software and other services.

Ms. Speidel continues to maintain a good communication with the Board and she has striven to ensure that the Board has the proper information and background data for all the decisions we are asked to make.

With a shrinking workforce, the output level, as a whole, has been maintained, although I do wonder how long that trend can continue as the Town continues to strain all available resources.

2. What could the Town Manager do better?

Personnel management, specifically communicating goals and objectives, job requirements, identifying areas of success for implementation elsewhere or where improvement is required and noting corrective action steps with follow up and identified repercussions must be implemented. Personnel issues consume a great deal of the Town Manager's time, due in large part to the fact that personnel management was lacking prior to the Town Manager's arrival.

In this financially challenging time, it is imperative that we leverage existing personnel and maximize efficiencies. Over the next several years it is likely that due to budget constraints, the number of employees will fall below optimum levels, job performance of any employee that is less than adequate cannot be tolerated and each employee must be given feedback to change.

The Town Manager has created a preliminary organizational chart. Improving upon that and creating corresponding job descriptions will go far in defining, and providing useful information on improving, the organization as a whole.

Regular department head meetings should be resurrected to foster a more cohesive operation. Additionally, periodic staff meetings of similar departments (i.e. land use, public safety, administration) should be implemented. Increasing communication amongst departments about the issues that they are facing or creative solutions they have implemented is vital in this difficult economy and may result in improved processes. Investing in staff development is crucial to maximizing productivity.

3. What could the Board do to help the Town Manager / What could the Town Manager do to help the Board?

More consistent preparation and analysis of details by all board members would allow town manager better direction for action

The Board needs to complete the policies and procedures manual; clear guidance and procedures on a multitude of issues would assist both the Town Manager and the Board.

The Board should ensure that seminars are held by Town Counsel annually in accordance with the contract to ensure that employees are aware of changes in law and staff has a regular opportunity to interface with counsel free of charge.

Workshops should be scheduled periodically to tackle some of the lingering items such as Policies and Procedures.

In order to handle day to day operations and "put out fires", the Town Manager has often sacrificed attendance at seminars or training sessions; personal development and education should become a priority.

4. Suggestions for future goals

Dave

- A) Develop or source employee review forms formatted for specific levels within the organization i.e. front line, supervisory and management consistent across all departments with a section of measures specific to the department.
- B) Develop format to include board or committee input to review employees who interact or report to elected boards i.e. Planning board + Planning Director, Sewer Commission + Business Manager, etc
- C) Departmental Metrics and operations review

The defeat of the the override while a set back is also a great opportunity to force change where resistance would have been greater in the past. New department heads being hired this year, creating an opportunity to set new standards and expectations for all department head performance. The Town Manager needs to be able to oversee rather than operate, now more than ever. Departments not performing need change, top down.

Tom:

Org. Chart and Job Descriptions
Personnel Policies
Departmental Metrics

Paula:

- 1. Personnel matters
 - a. Institute Annual Performance Evaluations
 - b. Implement Periodic Department Head & Staff Meetings
 - c. Formulate a system to document performance issues
 - d. Require periodic attendance by all staff at educational or training seminars
- 2. Financial Plan/Budget
 - e. Performance Based budgeting
 - f. Quarterly budget updates w/Executive Summary
 - g. Conduct a budget retrospective that evaluates staff levels and tasks previously completed in-house that are now outsourced, or eliminated.
- 3. Departmental Operations
 - h. Operational Review and Analysis
 - i. Develop and Institute Project Planning for all ongoing projects to identify projected tasks, goals and

timelines. Provide periodic reports.

- j. Establish method of metrics upon which to measure Department performance
4. Review IT Policies and make necessary changes

Steve and Ernie, none submitted